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Attorney Docket: SIERRA #7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application)
)
Stephen L. Palmer)
William R. Palmer) Art Unit: 1761
)
Serial No. 09/974,633) Examiner: S. Weinstein
)
Filed: October 9, 2001)
)
For: **FOOD DECORATING APPARATUS) DECLARATION UNDER 37 CFR 1.132**
AND METHOD) By: STEPHEN L. PALMER

MAIL STOP RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

I, STEPHEN L. PALMER, declare that:

1. I am a co-inventor of the FOOD DECORATING APPARATUS AND METHOD disclosed and claimed in the above-identified pending U.S. Patent Application and President of Sierra Innotek, Inc., assignee of the subject application and invention.

2. The subject invention has been licensed by Sierra Innotek, Inc. to Signature Brands, LLC of Ocala, Florida and has attained a high degree of commercial success within a relatively short period of time. The subject invention is being sold by that licensee under the trademark **EASY WRITER**.

3. Within a year introductory period nearly three million **EASY WRITER** pens have been sold by Signature Brands, LLC and the product has been enthusiastically received by the trade

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on October 19, 2004

By Quina Hernandez
Signature

and the consumer, as confirmed by an October 6, 2004 letter received (see Attachment A) by the undersigned from James R. Schneider, the President and Chief Executive Officer of Signature Brands, LLC. The "competitive product" referenced in Mr. Schneider's letter is the commercially available product taught by U.S. Patent No. 6,299,374 to Naor et al.

I hereby declare that all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified application or any patent issued thereon.

Date: OCTOBER 18, 2004


STEPHEN L. PALMER



SIGNATURE BRANDS, LLC

October 8, 2004

Mr. Steve Palmer
Sierra Innotek, Inc.
4391 Cameron Road
Cameron Park, CA 95682

Dear Steve:

The commercial success of the Easy Writer™ Food Decorators is now proven. Signature Brands has sold nearly three million pens amounting to over \$1,000,000 in sales in this introductory period. It is one of our top sellers in the decorating category at Wal-Mart, and has been enthusiastically received by the grocery trade as well as the consumer. Its ability to decorate the softest frostings, Jell-O, and even pudding, is a clear-cut advantage over any other system.

Your firm's development of the flexible, ground nib and our decision to go with it, instead of the competitive product that was also offered to us, is something we can both be proud of.

Sincerely,

James R. Schneider
President & Chief Executive Officer

JRS:caw